PTO/SB/05 (08-03) Approved for use through 07/31/2006. OMB 0651-0032 U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 3869-019 Attorney Docket No. UTILITY Berthon-Jones, Michael PATENT APPLICATION First Inventor TRANSMITTAL **DETERMINATION OF LEAK** Title EV 272234345 US (Only for new nonprovisional applications under 37 CFR 1.53(b)) Express Mail Label No. Mail Stop Patent Application Commissioner for Patents APPLICATION ELEMENTS ADDRESS TO: P.O. Box 1450 See MPEP chapter 600 concerning utility patent application contents. Alexandria VA 22313-1450 CD-ROM or CD-R in duplicate, large table or Fee Transmittal Form (e.g., PTO/SB/17) 1. 🔽 Computer Program (Appendix) (Submit an original and a duplicate for fee processing) Nucleotide and/or Amino Acid Sequence Submission 2. Applicant claims small entity status. (if applicable, all necessary) See 37 CFR 1.27. Computer Readable Form (CRF) 3. 🗹 [Total Pages_ Specification (preferred arrangement set forth below) - Descriptive title of the invention Specification Sequence Listing on: - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D CD-ROM or CD-R (2 copies); or - Reference to sequence listing, a table, or a computer program listing appendix Paper - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) c. Statements verifying identity of above copies - Detailed Description **ACCOMPANYING APPLICATION PARTS** - Claim(s)
- Abstract of the Disclosure 9. 🗹 Assignment Papers (cover sheet & document(s)) 37 CFR 3.73(b) Statement Power of Power of 4. Drawing(s) (35 U.S.C. 113) [Total Sheets __ 10. (when there is an assignee) Attorney 5. Oath or Declaration [Total Sheets _ English Translation Document (if applicable) Copies of IDS a. Newly executed (original or copy) Information Disclosure Statement (IDS)/PTO-1449 Citations b. Copy from a prior application (37 CFR 1.63(d)) 13. 🗹 **Preliminary Amendment** (for continuation/divisional with Box 18 completed) Return Receipt Postcard (MPEP 503) 14. (Should be specifically itemized) **DELETION OF INVENTOR(S)** 15. 🗹 Certified Copy of Priority Document(s) Signed statement attached deleting inventor(s) (if foreign priority is claimed) name in the prior application, see 37 CFR 16. 🗀 Nonpublication Request under 35 U.S.C. 122 1.63(d)(2) and 1.33(b). (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. Application Data Sheet. See 37 CFR 1.76 Other: Express Mail Certificate..... 6. 17. 🗹 under 37 CFR 1.10 18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76: of prior application No.:09/902.011 Continuation-in-part (CIP) Divisional Continuation

3761 Examiner Mitchell, Teena K. Art Unit: _ Prior application information: For CONTINUATION OF DIVISIONAL APPS only; The entire disciosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts. 19. CORRESPONDENCE ADDRESS OR Correspondence address below 22440 Customer Number: Name Address Zip Code State City Fax Country

This collection of information/is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)

Signature

Raymond B. Churchill, Jr.

Registration No. (Attorney/Agent)

44,617

2.0%

Date

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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| FFF TDANOMITTAL | | C mplet if Known | | |
|---|-------------------|----------------------|------------------------|--|
| FEE TRANS | SWILLIAL | Application Number | To Be Assigned | |
| for FY 2004 | | Filing Date | Herewith | |
| | | First Named Inventor | Berthon-Jones, Michael | |
| Effective 10/01/2003. Patent fees are s | | Examiner Name | Mitchell, Teena K. | |
| Applicant claims small entity status | . See 37 CFR 1.27 | Art Unit | 3761 | |
| | 040 00 | | | |

| TOTAL AMOUNT OF PAYMENT (\$) 810.00 | Attorney Docket No. 3869-019 | | | | | | | | |
|--|---|-----------------------------|----------|-------------|--|---------------|--|--|--|
| METHOD OF PAYMENT (check all that apply) | | FEE CALCULATION (continued) | | | | | | | |
| Check Credit card Money Other None | 3. ADDITIONAL FEES. Large Entity Small Entity | | | | | | | | |
| Deposit Account: | Large E | | | | | | | | |
| | | | | =ee (\$) | Fee Description | Fee Paid | | | |
| Deposit Account 07-1730 | | 130 | 2051 | | Surcharge - late filing fee or oath | | | | |
| Number Deposit Account Gottlieb,Rackman&Reisman | | 50 | 2052 | | Surcharge - late provisional filing fee or cover sheet | | | | |
| Name | | 130 | 1053 | 130 | Non-English specification | | | | |
| The Director Is authorized to: (check all that apply) | | 2,520 | 1812 2 | ,520 | For filing a request for ex parte reexamination | | | | |
| Charge fee(s) indicated below Credit any overpayments | | 920* | 1804 | 920* | Requesting publication of SIR prior to | | | | |
| Charge any additional fee(s) or any underpayment of fee(s) | | | | | Examiner action | | | | |
| Charge fee(s) indicated below, except for the filing fee | | 1,840* | 1805 | 1,840* | Requesting publication of SIR after . Examiner action | | | | |
| to the above-identified deposit account. | | 110 | 2251 | 55 | Extension for reply within first month | | | | |
| FEE CALCULATION | 1252 | 420 | 2252 | 210 | Extension for reply within second month | | | | |
| 1. BASIC FILING FEE | 1253 | 950 | 2253 | 475 | Extension for reply within third month | | | | |
| Large Entity Small Entity Fee Fee Fee Fee Fee Description Fee Paid | 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | | | | |
| Code (\$) Code (\$) | 1255 | | 2255 | 1 005 | Extension for reply within fifth month | L | | | |
| 1001 770 2001 385 Utility filing fee 770.00 | 1401 | 330 | 2401 | | Notice of Appeal | | | | |
| 1002 340 2002 170 Design filing fee | | 330 | 2402 | | Filing a brief in support of an appeal | | | | |
| 1003 530 2003 265 Plant filing fee | 1402 | | 2402 | | Request for oral hearing | | | | |
| 1004 770 2004 385 Reissue filing fee | 1403 | 290 | | | · · · | | | | |
| 1005 160 2005 80 Provisional filing fee | 1451 1452 | 1,510 | 1451 | | Petition to institute a public use proceeding | | | | |
| SUBTOTAL (1) (\$) 770.00 | | 110 | 2452 | | 5 Petition to revive - unavoidable | | | | |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE | | 1,330 | 2453 | | 5 Petition to revive - unintentional | | | | |
| Fee from | | 1,330 | 2501 | | 5 Utility issue fee (or reissue) | | | | |
| Extra Claims below Fee Paid Total Claims 16 -20** = 0 X 18 = 0.00 | 1502 | 480 | 2502 | | Design issue fee | \vdash | | | |
| Total Claims 16 -20** = 0 X 18 = 0.00 Independent 3 -3** = 0 X 86 = 0.00 | 1503 | 640 | 2503 | | Plant issue fee | ├ ───┤ | | | |
| Claims 3 - 3 = 0 \ \ Claims \ Multiple Dependent \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ | 1460 1807 | 130 | 1460 | | Petitions to the Commissioner | \vdash | | | |
| | | 50 | 1807 | | 0 Processing fee under 37 CFR 1.17(q) | | | | |
| Large Entity Small Entity Fee Fee Fee Fee Fee Description | | 180 | 180€ | | O Submission of Information Disclosure Stmt | | | | |
| Code (\$) Code (\$) | 8021 | 40 | 802 | 1 40 | Recording each patent assignment per property (times number of properties) | 40.00 | | | |
| 1202 18 2202 9 Claims in excess of 20 | 1809 | 770 | 2809 | 38 | 5 Filing a submission after final rejection | | | | |
| 1201 86 2201 43 Independent claims in excess of 3 | | | | | (37 ČFR 1.129(a)) | | | | |
| 1203 290 2203 145 Multiple dependent claim, if not paid | 1810 | 770 | 2810 | 38 | 5 For each additional invention to be examined (37 CFR 1.129(b)) | | | | |
| 1204 86 2204 43 ** Reissue independent claims over original patent | 1801 | 1 770 | 2801 | 38 | 5 Request for Continued Examination (RCE) | | | | |
| 1205 18 2205 9 ** Reissue claims in excess of 20 and over original patent | | 900 | 1802 | 90 | O Request for expedited examination of a design application | | | | |
| | Other | Other fee (specify) | | | | | | | |
| **or number previously paid, if greater; For Reissues, see above | | | | Filing I | Fee Paid SUBTOTAL (3) (\$) 40.0 | 0 | | | |
| SUBMITTED BY (Complete (if applicable)) | | | | | | | | | |
| Name (Print/Type) Raymond B. Churchill, Jr. | | Registr | ation No | . 44 | 1,617 Telephone 212 684-3900 |) | | | |
| Name (Print/Type) Raymond B. Churchilli, Jr. (Attomey/Agent) 44,017 | | | | | | | | | |

Signature

WARKING Information n this form may become public. Credit card information should not be included n this f rm. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):

Michael Berthon-Jones

Serial No.

TBA

Examiner

Mitchell, T.

Filed

Herewith

Group Art Unit:

3761

For

DETERMINATION OF LEAK AND

RESPIRATORY AIRFLOW

Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE UNDER 37 CFR §1.10

Express Mail Label No.: EV 272234345 US

Date of Deposit: December 1, 2003

I hereby certify that he following attached paper(s) and/or fee

Utility Patent Application Transmittal 37 CFR 1.53(b) and a Fee Transmittal Form PTO/SB/17; New Utility Patent Application including fifteen (12) pages of description, four (4) pages of claims (1-18), one (1) page of Abstract, and ten (10) sheets of drawings (Figs. 1-10); Copy of the Declaration from a prior application (7 pages); Preliminary Amendment (6 pages); Check for \$ 770.00 (filing fees); Information Disclosure Statement/PTO-1449 and copy of cited reference (1 item); Assignment papers and check for \$ 40.00(recording fee); and Returned Receipt Postcard.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and addressed to the "Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450".

Zoya V. Chernina

(Typed or printed name of person mailing paper(s) and/or fee)

(Signature of person mailing

paper(s) and/or fee)

CORRESPONDENCE ADDRESS:

GOTTLIEB, RACKMAN & REISMAN,P.C. 270 Madison Avenue New York, New York 10016-0601 (212) 684-3900 (212) 684-3999